

State/Cnty SALE INSPECTION

Scheduling Inspections

Personnel involved with timber sales on state or county properties will inspect active sales on a regular basis as operation of the sale dictates. County Forest timber sale inspection will normally be performed by the county forest staff. Where conditions warrant otherwise, the liaison forester and county forest administrator will jointly agree on who will make the inspections and schedule the inspections as the sales dictate. A DNR forester or technician will make a final inspection on all county sales to (1) record forest reconnaissance (recon) update information; and (2) to review outcome of silviculture recommendations for the sale.

Conduct of Inspection

The inspection will check for compliance with the contract. Documentation of the inspection is necessary for any legal action. The inspection will be documented on a report indicating date, what was inspected, any violations of contract, and any action taken on Form 2460-2. Any and all damages should be documented. Examples of such damages are as follows:

1. Loss of revenue - incomplete cut.
2. Growth loss.
3. Damage to residual.
4. Damage to other resources - water, soil, etc.
5. Cost of reselling uncut timber.
6. Cutting of unmarked trees or undesignated area.

State forest supervisors should inspect at least 10% of the sale acres established. The team supervisor should inspect at least 5% of the sales established on county and state land. These field inspections and office audits should evaluate (1) silvicultural prescriptions, (2) sale supervision, (3) administration, and (4) recordkeeping.

SEIZURE OF ILLEGALLY CUT PRODUCTS

All Department employees who will be administering or inspecting timber sales must be familiar with s. 26.05 (timber theft) and s. 26.06 (enforcement, seizure and sale of materials), Wis. Stats., to correctly do their job. Following is the procedure to use when an inspector finds illegally cut forest products on the sale being inspected.

The local district attorney or the Bureau of Legal Services should be contacted to discuss the proposed seizure to assure the seizure complies with the law.

If the inspector is not an employee authorized in s. 26.06(1) to seize the products, an immediate contact should be made with an employee who is authorized. Once that person is on site, an attempt should be made to determine how much of the product is illegal and what the circumstances are concerning it.

The employee authorized in s. 26.06(1) to seize the product should complete Form 4100-186, Seizure Notice, and attach it to the illegal product. There should be a minimum of one notice on each side of the pile of cut products. More can be added as deemed necessary by the officer. This form is not designed for prolonged exposure to rain or snow and should be checked on a regular basis until the product is disposed of. Replacements can be made as often as needed, but the date of the first notice should be used in all cases. If there is a need to replace a faded or worn notice, the original date should be entered along with a notation on the back of it that the notice WAS RENEWED with the replacement date. The original and any renewal forms should be removed and retained as a part of the officer's evidence case file until the issue is settled.

Any contractor involved should be contacted as soon as possible after the seizure and posting, advised of the action and the consequences of removal of the notice or product. A written record of all contacts should be prepared by all Department personnel involved in the incident. The property manager or sale administrator should be informed of the seizure as soon as possible. They should keep the inspector/seizing officer informed of any contacts, negotiations or arrangements regarding the product. If the seizure is made by a Bureau of Forestry employee, the team supervisor should be informed of the incident and all progress made toward a settlement.